

## REMARKS

In accordance with the foregoing, claims 1, 11, and 12 are amended. Claim 13 is cancelled without prejudice or disclaimer. Claims 1-12 and 14-26 are pending and under consideration.

### CLAIM AMENDMENTS

Claims 1, 11, and 12 are amended to respectively recite an online sales promotion method, an online sales promotion apparatus, and a computer-readable recording medium whereon is recorded an online sales promotion program, for use in a system to purchase a product over a network, executing, "receiving said additional information regarding the product that is related to said product information from said third party." (See, for example page 6, lines 5-20).

No new matter is presented, and accordingly approval and entry of the foregoing amended claims are respectfully requested.

### TRAVERSE OF REJECTIONS

#### **PAGES 3-7: REJECTION OF CLAIMS 1-12 AND 14-22 UNDER 35 U.S.C. §103(a) OVER HUNT (U.S.P. 6,223,215)**

The Examiner rejects claims 1-12 and 14-26 under 35 U.S.C. §103(a) as being obvious over Hunt.

#### **Features Recited By Claims Not Taught By Cited Art**

Independent claims 1, 11, 12, 14, and 21, recite, respectively, an online sales promotion method, an apparatus, a computer-readable recording medium, and a device, "receiving product information on said product and designation information on a third party being able to supply additional information about said product from a first user; associating said product information and designation information with cart identification information; notifying said third party of said cart identification information and product information; receiving said additional information regarding a product that is related to said product information from said third party; associating said additional information with said cart identification information; and notifying said first user of said product information, designation information and additional information associated by said cart identification information."

The Action concedes that "Hunt lacks explicit recitation of the phrase "information on a third party being able to supply additional information about said product from a first user. . . ." (Action at page 3).

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490

F. 2d 1981, (CCPA 1974)." Applicants submit that *prima facie* obviousness is not established and the rejection should be withdrawn and claims 1 -12 and 14-26 allowed

### **Rejection Incomplete And Should Be Withdrawn**

The Examiner rejects independent claims 1, 11, 12, 14, and 21 by contending that Hunt "implicitly shows all the elements and limitations" of the claims. The Examiner does not support this rejection with any citations to material within Hunt but merely cites essentially the entire reference. Applicants respectfully submit that such a rejection is incomplete. As set forth in MPEP 707.07(d) "An omnibus rejection of the claim "on the references and for the reasons of record" is stereotyped and usually not informative and should therefore be avoided." Applicants request that the rejection be properly supported or withdrawn and claims 1 -12 and 14-26 allowed.

### **No Motivation Stated in Hunt to Modify Hunt To Solve a Non-Problem**

The Examiner contends it is obvious that Hunt implicitly shows the features not taught:  
because modification and interpretation of the cited disclosure of Hunt would have provided means of "interactive network session tracking form inbound source to net sale....", . . . based on the motivation to modify Hunt so that "the 'seam' between the catalog) subsystem and the purchase subsystem is eliminated."

(Action at page 3).

However, Hunt, in fact, teaches (col. 2, lines 49-50) that "accordingly, in one embodiment, the seam between the catalog subsystem and the purchase subsystem is eliminated. and goes on to discuss how shopping carts of the purchase subsystem and catalog subsystem are synchronized.

Applicant submits there is no motivation in Hunt to modify a system to solve a problem it ALREADY has solved.

### **Hunt Teaches Away From Present Invention**

According to an aspect of the present invention, a user voluntarily specifies a business to which the contents of his cart are shown. The specified business provides, based on the contents of the cart, additional information (e.g., advertisements and free gifts) useful for the user. When a business receives cart identification and product information, the business returns the additional information by searching an additional information database (e.g., advertisement content) using the received product information as a key. The business is able to customize advertisement content based on the received cart identification. Further, the additional information can be returned anytime and a multiple of times. In addition, the correlation of product information and additional information is not tied to an operation made by the user in a shopping cart, and not tied to an interaction between the business and the user.

The user then chooses a product of a particular business by comparing the additional information that many businesses have provided about a single product of interest. In addition, a business is provided information regarding the product of interest before the comparison, and thus can advertise accordingly, and effectively promote sales. The business is also able to see competitors' advertisements, and therefore, the business is able to conduct effective marketing by providing an advertisement that stands-out from the competitors.

Hunt, however, merely teaches (see, for example, FIG 9 and col. 7, lines 5-11) a request-response system type that when a purchase subsystem makes a query using a session ID to the catalog subsystem, the catalog subsystem returns a result of a search conducted using the session ID as a key. In Hunt, the operation result is always saved in correlation with a session ID.

Hunt teaches (see, for example, col. 2, lines 12-31) tracking and monitoring a user's purchases on the internet by storing a unique ID in a database, and associating the ID with a user's browser (e.g., using a cookie) and storing actions, i.e., inspection of a web page a user inspects and a product a user buys, so that shopping patterns can be analyzed. When a user operates the subsystem, a session ID is given to an operation result. (See, for example, col. 4, lines 7-11). Since Hunt teaches that the same user operates both the catalog and the purchase subsystems, the same session ID is given to both operation results and thus a session ID is as a key to specify an operation result of the user and an operation result of a user is correlated by a session ID.

### **Features of Dependent Claims Not Taught by Hunt And Taking of Official Notice Is Unsupported**

Applicants submit that features of dependent claims are not taught by Hunt. The Action contends that Hunt (citing the whole document) implicitly shows all of the elements and limitations of dependent claims but that Hunt "lacks explicit recitation of some of the elements and limitations of the claims." (Action at page 6). The Examiner merely indicates:

"Official Notice" is taken that both the concepts and the advantages of all of the elements and limitations of (the dependent) claims are well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Hunt . . . "the 'seam' between the catalog) subsystem and the purchase subsystem is eliminated "

Applicants respectively submit that the Examiner's contentions, for example, are unsupported takings of official notice.

As set forth in MPEP §2144.03 Taking of Official Notice Is Unsupported:

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For

example, assertions of technical facts . . . must always be supported by citation to some reference work recognized as standard in the pertinent art. In re Ahlert, 424 F.2d at 1091, 165 USPQ at 420-21.

The Examiner has not supported, whatsoever, the contention that it would have been obvious to modify Hunt to correct a seam problem, even if not *arguendo* already eliminated, to teach, features as recited, for example in dependent claim 2 of "associating settlement information of said user needed for a purchase of said product over said network with said cart identification information; receiving an instruction for said purchase of said product from said first user; and selling said product to said first user, using said settlement information; features as recited in dependent claim 3 of "storing whether or not said product is purchased; and notifying said first user that said product is purchased or not purchased yet;" or features recited in dependent claim 4 of "associating said first user with said cart identification information; receiving an instruction for assignment and second user information on a second user from said first user; and associating said second user with said cart identification information."

Applicants request the Examiner to support the taking of official notice with appropriate references or withdraw the rejection.

#### **Conclusion**

Since features recited by claims 1-12 and 14-22 are not taught by the cited art and there is no motivation to modify the art and *prima facie* obviousness is not established, and taking of Official Notice is unsupported, and the action is incomplete, the rejection should be withdrawn and claims 1-12 and 14-22 allowed.

#### **PAGES 7-8: REJECTION OF CLAIMS 23-26 UNDER 35 U.S.C. §103(a) OVER HUNT**

The Examiner rejects claims 23-26 under 35 U.S.C. §103(a) as being obvious over Hunt (U.S.P. 6,223,215).

Independent claim 23 recites an online sales promotion method including "associating product information and designation information of a third party that can supply additional product information with cart identification information of a first user; providing the cart identification information and the product information to the third party; receiving the additional information from the third party; associating the additional information with the cart identification information; and providing the associated information to the first user."

The Examiner rejects claim 23 for reasons as in the rejection of claim 13, now cancelled, and contending Hunt lacks explicit recitation of the phrase "prompting a user to select a desired product and vendor form which said user intends to purchase said product. . . ." but it would have been obvious to modify Hunt so that "the 'seam' between the catalog) subsystem and the purchase subsystem is eliminated. (Action at page 5).

Applicants submit that there is no motivation in the prior art to modify Hunt to eliminate a "seam" already eliminated. (See, for example, Hunt , col. 2 , lines 55-60).

Applicants submit that the taking of Official Notice by the Examiner that features recited by dependent claims 24-26 features are obvious modifications is unsupported. The Examiner has not supported, whatsoever, the contention that it would have been obvious to modify Hunt to teach features recited by claim 24 of "associating settlement information needed for a purchase of the product with the cart identification information; and selling the product to the first user, using the settlement information, or features recited by claim 25 of "receiving an instruction from the first user to assign information to a second user; and associating the second user with the cart identification information, or of features recited by claim 26 of "awarding an incentive upon determination that an incentive condition is fulfilled."

### **Conclusion**

Since features recited claims 23-26 are not taught by the cited art and there is no motivation to modify the art and *prima facie* obviousness is not established, and taking of Official Notice is unsupported, the rejection should be withdrawn and claims 23-26 allowed.

### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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